

Remarks

The applicant has redrafted claim 21 into proper U.S. form. In response to the restriction requirement set forth in the Office Action mailed September 18, 2009, applicant hereby provisionally elects Group I, claims 1-20 for continued examination, with traverse.

The Examiner has required restriction between:

- I. Claims 1-20, drawn to a composition.
- II. Claims 21-23, drawn to a process.
- III. Claims 24-26, drawn to articles.

The Examiner also requires that we must elect an invention to be examined and identify the claims encompassing the elected invention.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden

on the Examiner. However, if the Examiner maintains the restriction requirement, the applicant respectfully requests that the non-elected claims be rejoined.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00018-US from which the undersigned is authorized to draw.

Dated: September 30, 2009

Respectfully submitted,

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